

Appl. No. 09/905,274
Docket No. 8609
Amdt. dated September 7, 2006
Reply to Office Action mailed on July 7, 2006
Customer No. 27752

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REMARKS

Claim Status

Claims 1-27 are pending in the present application. No additional claims fee is believed to be due.

Claim 20 has been withdrawn as a result of an earlier restriction requirement.

Rejection Under 35 USC §103(a) Over Tipper (US 3,348,458) in view of McConnell (US 775,495)

Claims 1-9, 13-19, 21-23, and 25-27 have been rejected under 35 USC §103(a) as being unpatentable over Tipper (US 3,348,458) in view of McConnell (US 775,495). Applicant respectfully traverses this rejection because the combination of references fails to support a *prima facie* case of obviousness under 35 USC §103(a). Specifically, the combination of references fails to teach or suggest each of the limitations of the invention as claimed. Notably, the combination of references fails to teach or suggest a drive element disposed to form a friction nip with the first series of elongate spaced protuberances.

The Office Action acknowledges that *Tipper* fails to teach a drive element disposed to form a friction nip with the first series of elongate spaced protuberances. The Office Action adds the *McConnell* reference and provides that this reference teaches a drive element disposed to form a friction nip with a first series of elongate spaced protuberances. Applicant submits that this is a mischaracterization of the *McConnell* reference. First, the *McConnell* reference does not teach or suggest a first series of elongate spaced protuberances, second, the element identified by the Office Action as providing the teaching is described as a pair of grooved rollers that intermesh and which serve to finish the corrugating and to hold the sheet in place. It is not clear from the description and figures of the *McConnell* reference that the rollers necessarily form a friction nip between them and there is no teaching of the rollers forming a friction nip with a first series of elongate spaced protuberances. It is also not clear where in the structure of the *Tipper* reference such a pair of grooved rollers could be added to form a friction nip with a first series of elongate spaced protuberances.

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The Office Action concludes that it would have been obvious to modify the *Tipper* reference to add the driving roller of *McConnell* "for example via driving element via upper roller 8 and first series of elongate protuberances via lower roller 8". Applicant does not understand the structure suggested by the example and respectfully requests clarification of the example structure.

Applicant submits that as *McConnell* does not teach or suggest a friction nip or a friction nip between a drive element and a series of elongate spaced protuberances, that the combination of the *McConnell* reference with the *Tipper* reference does not teach or suggest each of the limitations of the reference as claimed. The combination of references fails to support a *prima facie* case of obviousness under 35 USC §103(a) and Applicant respectfully requests that the rejection be reconsidered and withdrawn.

Rejection Under 35 USC §103(a) Over *Tipper* (US 3,348,458) in view of *McConnell* (US 775,495) and further in view of *Benedict* (US 2,314,757)

The Office Action rejects claims 10-12 and 24 as unpatentable under 35 USC §103(a) over *Tipper* (US 3,348,458) in view of *McConnell* (US 775,495) and further in view of *Benedict* (US 2,314,757). Applicant respectfully traverses this rejection because the combination of references fails to support a *prima facie* case of obviousness by failing to teach or suggest each of the limitations of the invention as claimed. Specifically, the combination of references fails to teach or suggest a drive element disposed to form a friction nip with a first series of elongate protuberances.

The Office Action acknowledges that *Tipper* does not teach the invention as claimed and implicitly acknowledges that the combination of *Tipper* and *Benedict* does not teach the invention as claimed by the addition of the *McConnell* reference to the previous combination of *Tipper* and *Benedict* in light of Applicant's previous amendments. As provided above, the *McConnell* reference does not cure the deficiencies of the *Tipper* – *Benedict* combination with regard to the claimed element of a drive element disposed to form a friction nip with a first series of elongate spaced protuberances. The new combination fails to support a *prima facie* case of obviousness by failing to teach or suggest each element of the invention as claimed. This rejection under 35 USC §103(a) should be reconsidered and withdrawn.

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Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC §103(a). Early and favorable action in the case is respectfully requested.

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This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-19 and 21-27 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

David K. Mattheis

Typed or Printed Name

Registration No. 48,683

(513) 634-9359

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Customer No. 27752